

Special Procedures Submission

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P A T E N T & T R A D E M A R K O F F I C E
I hereby certify that this correspondence is being
Deposited, via hand delivery,
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Commissioner for Patents, P.O. Box 1450
Alexandria, VA 22313-1450 on December 11, 2003.

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Name of Registered Representative:

J. C. Freeman
John C. Freeman, Registration No. 34,483

December 10, 2003

Date of Signature

#19

PATENT
CASE NO. 56/344

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application:)
Erwin Spanner)
Serial No.: 09/661,663) Group Art Unit: 2863
Filed: September 14, 2000)
For: DEVICE FOR POSITION) Examiner: Shah, Kamini S.
INDICATION AND DETECTION)
OF GUIDANCE ERRORS)

PETITION UNDER 37 C.F.R. § 1.313(c) **FOR WITHDRAWAL OF APPLICATION FROM ISSUE**

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
Attention: Office of Petitions
Crystal Plaza 4,
Room 3C23

12/15/2003 EXAMINER 00000064 09661663
01 FC:1450 130, J.S. EP

Dear Sir:

On November 25, 2003, a Search Report was mailed regarding European Patent Application No. 00 11 9051, which is a foreign counterpart of the above-identified application.

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130, J.S. EP

The Search Report cited one (1) reference that is not of record in the present application. The new reference is U.S. Patent No. 5,061,073 and was cited as an X-type reference.

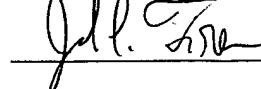
On December 18, 2002, your Petitioner paid the Issue Fee for the above-mentioned application. Since the Issue Fee was paid prior to November 25, 2003, it is not possible under the rules of the U.S. Patent Office to have the above-mentioned reference cited in the Search Report considered and made of record in the present application. Accordingly, your Petitioner is filing the present Petition to withdraw the above-mentioned application from Issuance so that the above-mentioned reference can be considered in the application.

It should be noted that your Petitioner has filed prior to the filing of the present Petition a Request for Continued Examination (RCE) under 37 C.F.R. § 1.53(d) and an Information Disclosure Statement that includes the reference mentioned above that have been cited in the Search Report. A copy of the Information Disclosure Statement is attached.

Your Petitioner prays that the present Petition is granted so that any patent issued regarding the subject matter claimed in the above-mentioned application will have been the result of examining the reference mentioned above that have been cited in the European Search Report.

For the above reasons, your Petitioner requests that the above-mentioned application be withdrawn from issuance under 37 C.F.R. § 1.313(c). Your Petitioner is including the required petition fee of \$130.00 as set forth under 37 C.F.R. § 1.17(i).

Respectfully submitted,



John C. Freeman
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Attorney for Petitioner

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Dated: December 10, 2003